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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,045	08/28/2001	J. Smith Doss	RSW920010041US1	5733

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EXAMINER

CORRIELUS, JEAN M

ART UNIT

PAPER NUMBER

2172

DATE MAILED: 05/24/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,045

Applicant(s)

DOSS ET AL.

Examiner

Jean M Corrielus

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16-54, 61-104 and 106-141 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-54, 61-104 and 106-141 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the amendment filed on March 08, 2004, in which claims 1-14, 16-54, 61-104 and 106-141 are presented for further examination.

Response to Arguments

2. Applicant's arguments with respect to claims 1-14, 16-54, 61-104 and 106-141 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

Claim Objections

3. Claim 1 is objected to because of the following informalities: claim 1 line 8 after "system;" please delete "and". Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-14, 16-54, 61-104 and 106-141 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites in line 4 "a second plurality of entities"; and line 6 "a plurality of entities". It is unclear as to which second of a plurality of entities the applicants are referred into. Should there be first entities before having second entities. It is also not clear of the relationship between "a plurality of second entities" and "a plurality of entities". It is unclear as to which second of a plurality of entities the applicants are referred into. Should there be first entities before having second entities. Applicants are advised to amend the claims to enable one having ordinary skill in the art to which it pertains to make

Art Unit: 2172

and use the invention as claimed. Claims 46 and 91 suffer the same informalities, they are, therefore, rejected under the same rationale.

6. Claims 1 recites the limitation "each said current dynamic contact" in 11. There is insufficient antecedent basis for this limitation in the claim. Claim 46 line 11 and claim 91 line 13 suffer the same informality. They are rejected under the same rationale.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1-14, 16-54, 61-104 and 106-141 as best understood by the examiner are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott et al., (hereinafter "Elliott") US Patent Application Publication No. US 2002/0064149 in view of Morkel US Patent Application Publication No. US 2002/0052921.

Art Unit: 2172

As to claim 1, Elliott discloses a system that provides subscribers the ability to establish a personal home page which provides a vehicle for people to communicate with or schedule meetings with the subscriber (page 109, paragraph 3065). In particular, Elliott discloses the claimed “establishing a status system, including at least one status server and at least one client” (page 109, paragraphs [3055]-[3089]; page 110, paragraph [3101]-[3102]); “specifying for each client a second plurality of entities for which the client subscribes to automatic updates of dynamic contact information” (page 112, paragraph [3199]-[3206]); “retrieving dynamic contact records for a plurality of entities from one or more systems within the status system” (page 126, paragraph [3565]; page 132, paragraph [3693]; page 135, paragraph [3714]-[3716]); “providing dynamic contact records to the at least one server” (page 126, paragraph [3565]; page 132, paragraph [3693]; page 135, paragraph [3714]-[3716]). However, Elliott does not explicitly disclose the use of sending, using said at least one status server, each said current dynamic contact record to each said client that has subscribed to updates for the entity whose dynamic contact information is contained in said current dynamic contact record.

On the other hand, Morkel discloses for securing management of contact information. In particular, Morkel discloses the claimed “establishing a status system, including at least one status server and at least one client” (page 1, paragraphs [0009]-[0010]); “sending, using said at least one status server, each said current dynamic contact record to each said client that has subscribed to updates for the entity whose dynamic contact information is contained in said current dynamic contact record” as means for updating contact information so that when a user’s information changes, subscriber list ate automatically updated (page 2, paragraph [0011]; page 3, paragraph [0032]; [0034]-[00385]). Therefore, it would have been obvious to one having

Art Unit: 2172

ordinary skill in the art at the time the invention was made to combine the teachings of the cited reference. One having ordinary skill in the art would have found it motivated to utilizing the current information as disclosed by Morkel to update entity whose contact information is contained in the current contact record of Morkel's fig. 8-10.

As to claims 46 and 91, the limitations of these claims have been noted in the rejection of claim 1 above. Elliott and Morkel disclose substantially the invention as claimed. In addition, Morkel discloses a status server and client (page 1, paragraph [0003]-[0005]).

As to claims 2-14, Elliott and Morkel disclose substantially the invention as claimed. In addition, Elliott discloses the use of establishing the dynamic contact information service that provides dynamic contact records for said plurality of entities (page 126, paragraph [3565]; page 132, paragraph [3693]; page 135, paragraph [3714]-[3716]; page 126, paragraph [3565]; page 132, paragraph [3693]; page 135, paragraph [3714]-[3716]). However, Morkel discloses the use wherein each one of said dynamic contact records being dynamically updated to indicate current contact information for one of said plurality of entities (page 2, paragraph [0011]; page 3, paragraph [0032]; [0034]-[00385]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited reference. One having ordinary skill in the art would have found it motivated to utilizing the current information as disclosed by Morkel to update entity whose contact information is contained in the current contact record of Morkel's fig. 8-10.

Art Unit: 2172

As to claims 16-45, Elliott and Morkel disclose substantially the invention as claimed. In addition, Morkel discloses the use of displaying said information including within said display an in-person status, in-person status time period, and physical location for each of said second plurality of entities, said physical location being a location where said each of said second plurality of entities can be found (fig.8-10; page 2, paragraph [0011]; page 3, paragraph [0032]; [0034]-[00385]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited reference. One having ordinary skill in the art would have found it motivated to utilizing the current information as disclosed by Morkel to update entity whose contact information is contained in the current contact record of Morkel's fig. 8-10.

Claims 46-59 and 61-90 are system for performing the method of claims 1-14, and 16-45. They are, therefore, rejected under the same rationale.

Claims 91-104 and 106-141 are computer program product for performing the method of claims 1-14 and 16-45. They are, therefore, rejected under the same rationale.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 2172

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (703) 306-3035. The examiner can normally be reached on Monday - Friday (12:00pm - 7:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jean M. Corrielus

Patent Examiner

May. 17, 04